

Amendment No. 1 to HB2581

**Fowlkes
Signature of Sponsor**

AMEND Senate Bill No. 2312*

House Bill No. 2581

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By inserting the following language in the amendatory language of Section 1 as a new subsection (j) of Section 68-11-1703:

(j) Any living will, durable power of attorney for health care, or other instrument signed by the individual, complying with the terms of Tennessee Code Annotated, Title 32, Chapter 11, and a durable power of attorney for health care complying with the terms of Tennessee Code Annotated, Title 32, Chapter 6, Part 2, shall be given effect and interpreted in accord with those respective acts. Any advance directive which does not evidence an intent to be given effect under those acts but which complies with this act may be treated as an advance directive under this act.

AND FURTHER AMEND by deleting Sections 4 through 7 in the printed bill in their entireties and by substituting instead the following new sections, and by renumbering the remaining sections accordingly:

SECTION 4. The Tennessee Right to Natural Death Act, Tennessee Code Annotated, Title 32, Chapter 11, Part 17, is amended by adding the following as a new, appropriately designated section:

Section 32-11-____.

(a) A living will entered into before July 1, 2004, under this chapter shall be given effect and interpreted in accord with this chapter.

(b) A living will entered into after July 1, 2004, which evidences an intent that it is entered into under this chapter shall be given effect and interpreted in accord with this chapter.

(c) A living will entered into after July 1, 2004, that does not comply with this chapter may, if it complies with the provisions of the Tennessee Health Care Decisions

Act, Tennessee Code Annotated, Title 68, Chapter 11, Part 17, be given effect as an individual instruction under that act.

SECTION 5. Tennessee Code Annotated, Title 34, Chapter 6, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 34-6-____.

(a) A durable power of attorney for health care entered into before July 1, 2004, under this chapter shall be given effect and interpreted in accord with this chapter.

(b) A durable power of attorney for health care entered into after July 1, 2004, which evidences an intent that it is entered into under this chapter shall be given effect and interpreted in accord with this chapter.

(c) A durable power of attorney for health care that does not comply with this chapter may, if it complies with the provisions of the Tennessee Health Care Decisions Act, Tennessee Code Annotated, Title 68, Chapter 11, Part 17, be given effect as an advance directive under that act.